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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**Carol A. Fadale,**

Plaintiff,

v.

**Equifax Information Services,  
LLC, Arizona Federal Credit  
Union, Wells Fargo Home  
Mortgage, American Express,  
Department Stores National  
Bank, and Cititbank, N.A.,**

Defendants.

**Case No.:**

**COMPLAINT FOR DAMAGES  
PURSUANT TO THE FAIR CREDIT  
REPORTING ACT, 15 U.S.C. § 1681,  
ET SEQ.**

**JURY TRIAL DEMANDED**

**INTRODUCTION**

1. The United States Congress has found the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods

1 undermine the public confidence, which is essential to the continued  
2 functioning of the banking system. Congress enacted the Fair Credit  
3 Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to insure fair and  
4 accurate reporting, promote efficiency in the banking system, and protect  
5 consumer privacy. The FCRA seeks to ensure consumer reporting agencies  
6 exercise their grave responsibilities with fairness, impartiality, and a respect  
7 for the consumer’s right to privacy because consumer reporting agencies  
8 have assumed such a vital role in assembling and evaluating consumer credit  
9 and other information on consumers. The FCRA also imposes duties on the  
10 sources that provide credit information to credit reporting agencies, called  
11 “furnishers.”

- 12 2. CAROL A. FADALE (“Plaintiff”), by Plaintiff’s attorneys, brings this  
13 action to challenge the actions of EQUIFAX INFORMATION SERVICES,  
14 LLC (“Equifax”), ARIZONA FEDERAL CREDIT UNION (“AFCU”),  
15 WELLS FARGO HOME MORTGAGE (“Wells Fargo”), AMERICAN  
16 EXPRESS (“AMEX”), DEPARTMENT STORES NATIONAL BANK  
17 (“DSNB”), and CITIBANK, N.A. (“CBNA”) (or jointly as “Defendants”)  
18 with regard to erroneous reports of derogatory and negative credit  
19 information made by Defendants to national reporting agencies, and for  
20 failure of Defendants to properly investigate, and this conduct caused  
21 Plaintiff damages.
- 22 3. Plaintiff makes these allegations on information and belief, with the  
23 exception of those allegations that pertain to Plaintiff, or to Plaintiff’s  
24 counsel, which Plaintiff alleges on personal knowledge.
- 25 4. While many violations are described below with specificity, this Complaint  
26 alleges violations of the statute cited in its entirety.
- 27 5. Unless otherwise stated, all the conduct engaged in by Defendants took  
28 place in Arizona.

- 1 6. Any violations by Defendants were knowing, willful, and intentional, and  
2 Defendant did not maintain procedures reasonably adapted to avoid any such  
3 violation.  
4 7. Unless otherwise indicated, the use of Defendants' name in this Complaint  
5 includes all agents, employees, officers, members, directors, heirs,  
6 successors, assigns, principals, trustees, sureties, subrogees, representatives,  
7 and insurers of Defendants' named.

8 **JURISDICTION AND VENUE**

- 9  
10 8. This Court has federal question jurisdiction because this case arises out of  
11 violation of federal law. 15 U.S.C. §1681 *et seq.*; 28 U.S.C. §1331;  
12 Jurisdiction arises for Plaintiff's supplemental state claims under 28 U.S.C.  
13 § 1367.  
14 9. This action arises out of Defendants' violations of the Fair Credit Reporting  
15 Act, 15 U.S.C. §§ 1681-1681(x) ("FCRA").  
16 10. Venue is proper in the United States District Court for the District of  
17 Arizona pursuant to 28 U.S.C. § 1391(b) because Plaintiff is a resident of  
18 Maricopa County, the State of Arizona and Defendants are subject to  
19 personal jurisdiction in the County of Maricopa, State of Arizona as they  
20 conduct business there, and the conduct giving rise to this action occurred in  
21 Arizona. 28 U.S.C. § 1391(b)(2).

22 **PARTIES**

- 23 11. Plaintiff is a natural person residing in the County of Maricopa, State of  
24 Arizona. In addition, Plaintiff is a "consumer" as that term is defined by 15  
25 U.S.C. § 1681a(c).  
26 12. Defendant Equifax is a corporation doing business in the State of Arizona.  
27 13. Defendant AFCU is a credit union doing business in the State of Arizona.  
28 14. Defendant Wells Fargo is a company doing business in the State of Arizona.

1 15. Defendant AMEX is a corporation registered with the Arizona Secretary of  
2 state doing business in the State of Arizona.

3 16. Defendant DSNB is a bank doing business in the State of Arizona.

4 17. Defendant CBNA is a bank doing business in the State of Arizona.

5 18. Defendants AFCU, Wells Fargo, AMEX, DSNB, and CBNA are furnishers  
6 of information as contemplated by 15 U.S.C. § 1681s-2(b) that regularly and  
7 in the ordinary course of business furnish information to a consumer credit  
8 reporting agency.

9 19. Defendant Equifax is a national credit reporting agency, doing business in  
10 Arizona, with a principal place of business in Georgia.

### 11 GENERAL ALLEGATIONS

12 20. At all times relevant, Plaintiff was an individual residing within the State of  
13 Arizona.

14 21. At all times relevant, Defendants conducted business in the State of Arizona.

15 22. On or about August 17, 2012, Plaintiff filed for Bankruptcy in the United  
16 States Bankruptcy Court for the District of Arizona. Plaintiff's case was  
17 assigned Case Number 2:12-bk-18542-SSC (the "Bankruptcy").

18 23. The obligations ("Debt") to each defendant were scheduled in the  
19 Bankruptcy and Defendants, the Creditors, received notice of the  
20 Bankruptcy.

21 24. On or about January 10, 2013, Plaintiff received a Bankruptcy discharge.

22 25. None of the Defendants filed any proceedings to declare their Debt "non  
23 dischargeable" pursuant to 11 U.S.C. § 523 *et seq.*

24 26. Defendants also did not request relief from the "automatic stay" codified at  
25 11 U.S.C. §362 *et seq.* while the Plaintiff's Bankruptcy was pending to  
26 pursue the Plaintiff on any *personal* liability for any of the underlying Debts.

27 27. Accordingly, the Debt to each defendant was discharged through the  
28 Bankruptcy.

1 28. Further, while the automatic stay was in effect during the Bankruptcy, it was  
2 illegal for any of the Defendants to report any post-Bankruptcy derogatory  
3 collection information.

4 29. Defendants' attempt to collect upon their respective Debt by reporting post-  
5 Bankruptcy derogatory information was therefore false or inaccurate and  
6 prohibited by the automatic stay or Discharge.

7 30. Plaintiff subsequently learned that each of the named Defendants reported  
8 post-Bankruptcy derogatory credit information regarding the obligations on  
9 Plaintiff's credit reports, thereby causing erroneous and negative credit  
10 information in Plaintiff's credit files.

11 **Arizona Federal Credit Union Misreported Credit Information**

12 31. In an Equifax credit report dated July 15, 2015, AFCU reported the  
13 following inaccurate, derogatory information:

- 14 • Account No. 303387XXXX: Post-bankruptcy information for  
15 the following dates: September 2012 (Date Major Delinquency  
16 First Reported).
- 17 • Account No. 3033XXXX: Post-bankruptcy information for the  
18 following dates: September 2012 (Date Major Delinquency  
19 First Reported).

20  
21 32. AFCU should not have reported derogatory information on Plaintiff's  
22 account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
23 August 17, 2012.

24 33. On or about July 15, 2015, Plaintiff disputed AFCU's reported information  
25 regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,  
26 in writing, of the incorrect and inaccurate credit information furnished by  
27 AFCU.  
28

1 34. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
2 “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
3 derogatory information be removed as follows:

- 4  
5 • Account #303387XXXX: This account was discharged in my  
6 Bankruptcy which was filed on 08/17/2012 and discharged  
7 01/10/2013, bearing Case No. 2:12-bk-18542-SSC in the  
8 District for Arizona. There should be no derogatory reporting  
9 after the filing date. Specifically, please remove the derogatory  
10 information for the following post-bankruptcy dates: September  
11 2012 (Date Major Delinquency First Reported).
- 12 • Account #3033XXXX: This account was discharged in my  
13 Bankruptcy which was filed on 08/17/2012 and discharged  
14 01/10/2013, bearing Case No. 2:12-bk-18542-SSC in the  
15 District for Arizona. There should be no derogatory reporting  
16 after the filing date. Specifically, please remove the derogatory  
17 information for the following post-bankruptcy dates: September  
18 2012 (Date Major Delinquency First Reported).

19 35. The Equifax Dispute Letter further requested that Equifax:

- 20  
21 • Immediately delete this account and the disputed derogatory  
22 information from my credit report.
- 23 • The discharged debt should be reported with an account balance  
24 of \$0 with a status of “current”.
- 25 • Further, there should be no post-bankruptcy activity reported on  
26 this account. The date of last activity on this account should pre-  
27 date my bankruptcy filing date, 08/17/2012, since a default on this  
28 account occurred no later than the Bankruptcy filing date.

- Any post-bankruptcy derogatory information should be immediately deleted from [Plaintiff's] report.
- If [Equifax] do[es] not immediately delete this from [Plaintiff's] credit report, please include a 100-word statement in my credit report of all of the disputed information contained in this letter regarding this account.

36. Upon information and belief, Equifax timely notified AFCU of Plaintiff's dispute, but AFCU continued reporting derogatory information.

37. AFCU and Equifax were required to conduct a reinvestigation into this specific account on Plaintiff's consumer report pursuant to 15 U.S.C. §1681i.

38. On or about August 7, 2015, Plaintiff received notification from Equifax that AFCU and Equifax received notice of Plaintiff's dispute pursuant to 15 U.S.C. § 1681i(a)(6), and Defendants verified that both accounts do not "report any late payments."

39. Surprisingly, rather than remove all the derogatory information from Plaintiff's report, AFCU and Equifax simply left derogatory information on Plaintiff's report. Specifically, AFCU and Equifax reported the following inaccurate, derogatory information:

- Account No. 303387XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).
- Account No. 3033XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

1 40. AFCU and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an  
2 investigation with respect to the disputed information as required by 15  
3 U.S.C. § 1681s-2(b)(1)(A).

4 41. AFCU and Equifax failed to review all relevant information provided by  
5 Plaintiff in the dispute to Equifax, as required by and in violation of 15  
6 U.S.C. § 1681s-2(b)(1)(B).

7 42. Due to AFCU and Equifax's failure to investigate, they each further failed to  
8 correct and update Plaintiff's information as required by 15 U.S.C. § 1681s-  
9 2(b)(1)(E), thereby causing continued reporting of inaccurate information in  
10 violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

11 43. Plaintiff's continued efforts to correct AFCU and Equifax's erroneous and  
12 negative reporting of the Debt by communicating Plaintiff's dispute with  
13 AFCU and Equifax were fruitless.

14 44. AFCU and Equifax's continued inaccurate and negative reporting of the  
15 Debt in light of its knowledge of the actual error was willful.

16 45. AFCU and Equifax's inaccurate and negative reporting damaged Plaintiff's  
17 creditworthiness.

18 46. By inaccurately reporting account information relating to the Debt after  
19 notice and confirmation of its errors, AFCU and Equifax failed to take the  
20 appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and  
21 (E).

22 **Wells Fargo Home Mortgage Misreported Credit Information**

23 47. In an Equifax credit report dated July 15, 2015, Wells Fargo reported the  
24 following inaccurate, derogatory information:

- 25 • Account #708019682XXXX: Post-bankruptcy information for  
26 the following dates: September 2012 (Date Major Delinquency  
27 First Reported).



1 48. Wells Fargo should not have reported derogatory information on Plaintiff's  
2 account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
3 August 17, 2012.

4 49. On or about July 15, 2015, Plaintiff disputed Wells Fargo's reported  
5 information regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by  
6 notifying Equifax, in writing, of the incorrect and inaccurate credit  
7 information furnished by Wells Fargo.

8 50. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
9 "Equifax Dispute Letter"), requesting the above inaccurate and incorrect  
10 derogatory information be removed as follows:

- 11 • This account was discharged in my Bankruptcy which was filed  
12 on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
13 2:12-bk-18542-SSC in the District for Arizona. There should  
14 be no derogatory reporting after the filing date. Specifically,  
15 please remove the derogatory information for the following  
16 post-bankruptcy dates: September 2012 (Date Major  
17 Delinquency First Reported).

18  
19 51. The Equifax Dispute Letter further requested that Equifax:

- 20  
21 • Immediately delete this account and the disputed derogatory  
22 information from [Plaintiff's] credit report.
- 23 • The discharged debt should be reported with an account balance  
24 of \$0 with a status of "current".
- 25 • Further, there should be no post-bankruptcy activity reported on  
26 this account. The date of last activity on this account should pre-  
27 date my bankruptcy filing date, 08/17/2012, since a default on this  
28 account occurred no later than the Bankruptcy filing date.

- Any post-bankruptcy derogatory information should be immediately deleted from [Plaintiff's] report.
- If [Equifax] do[es] not immediately delete this from [Plaintiff's] credit report, please include a 100-word statement in my credit report of all of the disputed information contained in this letter regarding this account.

52. Upon information and belief, Equifax timely notified Wells Fargo of Plaintiff's dispute, but Wells Fargo continued reporting derogatory information.

53. Wells Fargo and Equifax were required to conduct a reinvestigation into this specific account on Plaintiff's consumer report pursuant to 15 U.S.C. §1681i.

54. On or about August 7, 2015, Plaintiff received notification from Equifax that Wells Fargo and Equifax received notice of Plaintiff's dispute pursuant to 15 U.S.C. § 1681i(a)(6), and verified the account does not "report any late payments."

55. Surprisingly, rather than remove all the derogatory information from Plaintiff's report, Wells Fargo and Equifax simply left derogatory information on Plaintiff's report. Specifically, Wells Fargo and Equifax reported the following inaccurate, derogatory information:

- Account #708019682XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

56. Wells Fargo and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an investigation with respect to the disputed information as required by 15 U.S.C. § 1681s-2(b)(1)(A).

1 57. Wells Fargo and Equifax failed to review all relevant information provided  
2 by Plaintiff in the dispute to Equifax, as required by and in violation of 15  
3 U.S.C. § 1681s-2(b)(1)(B).

4 58. Due to Wells Fargo and Equifax's failure to investigate, they each further  
5 failed to correct and update Plaintiff's information as required by 15 U.S.C.  
6 § 1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate  
7 information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

8 59. Plaintiff's continued efforts to correct Wells Fargo and Equifax's erroneous  
9 and negative reporting of the Debt by communicating Plaintiff's dispute  
10 with Wells Fargo and Equifax were fruitless.

11 60. Wells Fargo and Equifax's continued inaccurate and negative reporting of  
12 the Debt in light of its knowledge of the actual error was willful.

13 61. Wells Fargo and Equifax's inaccurate and negative reporting damaged  
14 Plaintiff's creditworthiness.

15 62. By inaccurately reporting account information relating to the Debt after  
16 notice and confirmation of its errors, Wells Fargo and Equifax failed to take  
17 the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D)  
and (E).

18 **American Express Misreported Credit Information**

19 63. In an Equifax credit report dated July 15, 2015, AMEX reported the  
20 following inaccurate, derogatory information:

- 21
- 22 • Account #349991093639XXXX: Post-bankruptcy information  
23 for the following dates: September 2012 (Date Major  
24 Delinquency First Reported).

25 64. AMEX should not have reported derogatory information on Plaintiff's  
26 account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
27 August 17, 2012.  
28

1 65. On or about July 15, 2015, Plaintiff disputed AMEX's reported information  
2 regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,  
3 in writing, of the incorrect and inaccurate credit information furnished by  
4 AMEX.

5 66. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
6 "Equifax Dispute Letter"), requesting the above inaccurate and incorrect  
7 derogatory information be removed as follows:

- 8 • This account was discharged in my Bankruptcy which was filed  
9 on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
10 2:12-bk-18542-SSC in the District for Arizona. There should  
11 be no derogatory reporting after the filing date. Specifically,  
12 please remove the derogatory information for the following  
13 post-bankruptcy dates: September 2012 (Date Major  
14 Delinquency First Reported).

15  
16 67. The Equifax Dispute Letter further requested that Equifax:

- 17 • Immediately delete this account and the disputed derogatory  
18 information from [Plaintiff's] credit report.
  - 19 • The discharged debt should be reported with an account balance  
20 of \$0 with a status of "current".
  - 21 • Further, there should be no post-bankruptcy activity reported on  
22 this account. The date of last activity on this account should pre-  
23 date my bankruptcy filing date, 08/17/2012, since a default on this  
24 account occurred no later than the Bankruptcy filing date.
  - 25 • Any post-bankruptcy derogatory information should be  
26 immediately deleted from [Plaintiff's] report.
- 27  
28

- If [Equifax] do[es] not immediately delete this from [Plaintiff's] credit report, please include a 100-word statement in my credit report of all of the disputed information contained in this letter regarding this account.

68. Upon information and belief, Equifax timely notified AMEX of Plaintiff's dispute, but AMEX continued reporting derogatory information.

69. AMEX and Equifax were required to conduct a reinvestigation into this specific account on Plaintiff's consumer report pursuant to 15 U.S.C. §1681i.

70. On or about August 7, 2015, Plaintiff received notification from Equifax that AMEX and Equifax received notice of Plaintiff's dispute pursuant to 15 U.S.C. § 1681i(a)(6), and verified the account does not "report any late payments."

71. Surprisingly, rather than remove all the derogatory information from Plaintiff's report, AMEX and Equifax simply left derogatory information on Plaintiff's report. Specifically, AMEX and Equifax reported the following inaccurate, derogatory information:

- Account #349991093639XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

72. AMEX and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an investigation with respect to the disputed information as required by 15 U.S.C. § 1681s-2(b)(1)(A).

73. AMEX and Equifax failed to review all relevant information provided by Plaintiff in the dispute to Equifax, as required by and in violation of 15 U.S.C. § 1681s-2(b)(1)(B).

74. Due to AMEX and Equifax's failure to investigate, they each further failed to correct and update Plaintiff's information as required by 15 U.S.C. § 1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

75. Plaintiff's continued efforts to correct AMEX and Equifax's erroneous and negative reporting of the Debt by communicating Plaintiff's dispute with AMEX and Equifax were fruitless.

76. AMEX and Equifax's continued inaccurate and negative reporting of the Debt in light of its knowledge of the actual error was willful.

77. AMEX and Equifax's inaccurate and negative reporting damaged Plaintiff's creditworthiness.

78. By inaccurately reporting account information relating to the Debt after notice and confirmation of its errors, AMEX and Equifax failed to take the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and (E).

**Department Stores National Bank Misreported Credit Information**

79. In an Equifax credit report dated July 15, 2015, DSNB reported the following inaccurate, derogatory information:

- Account #37748112271XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

80. DSNB should not have reported derogatory information on Plaintiff's account after August 17, 2012, because Plaintiff filed for Bankruptcy on August 17, 2012.

81. On or about July 15, 2015, Plaintiff disputed DSNB's reported information regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,

1 in writing, of the incorrect and inaccurate credit information furnished by  
2 DSNB.

3 82. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
4 “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
5 derogatory information be removed as follows:

- 6
- 7 • This account was discharged in my Bankruptcy which was filed  
8 on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
9 2:12-bk-18542-SSC in the District for Arizona. There should  
10 be no derogatory reporting after the filing date. Specifically,  
11 please remove the derogatory information for the following  
12 post-bankruptcy dates: September 2012 (Date Major  
13 Delinquency First Reported).

14 83. The Equifax Dispute Letter further requested that Equifax:

- 15
- 16 • Immediately delete this account and the disputed derogatory  
17 information from [Plaintiff’s] credit report.
  - 18 • The discharged debt should be reported with an account balance  
19 of \$0 with a status of “current”.
  - 20 • Further, there should be no post-bankruptcy activity reported on  
21 this account. The date of last activity on this account should pre-  
22 date my bankruptcy filing date, 08/17/2012, since a default on this  
23 account occurred no later than the Bankruptcy filing date.
  - 24 • Any post-bankruptcy derogatory information should be  
25 immediately deleted from [Plaintiff’s] report.
  - 26 • If [Equifax] do[es] not immediately delete this from  
27 [Plaintiff’s] credit report, please include a 100-word statement in  
28

1 my credit report of all of the disputed information contained in this  
2 letter regarding this account.

3  
4 84. Upon information and belief, Equifax timely notified DSNB of Plaintiff's  
5 dispute, but DSNB continued reporting derogatory information.

6 85. DSNB and Equifax were required to conduct a reinvestigation into this  
7 specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
8 §1681i.

9 86. On or about August 7, 2015, Plaintiff received notification from Equifax that  
10 DSNB and Equifax received notice of Plaintiff's dispute pursuant to 15  
11 U.S.C. § 1681i(a)(6), and verified the account does not "report any late  
12 payments."

13 87. Surprisingly, rather than remove all the derogatory information from  
14 Plaintiff's report, DSNB and Equifax simply left derogatory information on  
15 Plaintiff's report. Specifically, DSNB and Equifax reported the following  
16 inaccurate, derogatory information:

- 17 • Account #37748112271XXXX: Post-bankruptcy information  
18 for the following dates: September 2012 (Date Major  
19 Delinquency First Reported).

20  
21 88. DSNB and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an  
22 investigation with respect to the disputed information as required by 15  
23 U.S.C. § 1681s-2(b)(1)(A).

24 89. DSNB and Equifax failed to review all relevant information provided by  
25 Plaintiff in the dispute to Equifax, as required by and in violation of 15  
26 U.S.C. § 1681s-2(b)(1)(B).

27 90. Due to DSNB and Equifax's failure to investigate, they each further failed to  
28 correct and update Plaintiff's information as required by 15 U.S.C. § 1681s-



2(b)(1)(E), thereby causing continued reporting of inaccurate information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

91. Plaintiff's continued efforts to correct DSNB and Equifax's erroneous and negative reporting of the Debt by communicating Plaintiff's dispute with DSNB and Equifax were fruitless.

92. DSNB and Equifax's continued inaccurate and negative reporting of the Debt in light of its knowledge of the actual error was willful.

93. DSNB and Equifax's inaccurate and negative reporting damaged Plaintiff's creditworthiness.

94. By inaccurately reporting account information relating to the Debt after notice and confirmation of its errors, DSNB and Equifax failed to take the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and (E).

#### **Citibank, N.A. Misreported Credit Information**

95. In an Equifax credit report dated July 15, 2015, CBNA reported the following inaccurate, derogatory information:

- Account #504994852605XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

96. CBNA should not have reported derogatory information on Plaintiff's account after August 17, 2012, because Plaintiff filed for Bankruptcy on August 17, 2012.

97. On or about July 15, 2015, Plaintiff disputed CBNA's reported information regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax, in writing, of the incorrect and inaccurate credit information furnished by CBNA.

1 98. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
2 “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
3 derogatory information be removed as follows:

- 4  
5 • This account was discharged in my Bankruptcy which was filed  
6 on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
7 2:12-bk-18542-SSC in the District for Arizona. There should  
8 be no derogatory reporting after the filing date. Specifically,  
9 please remove the derogatory information for the following  
10 post-bankruptcy dates: September 2012 (Date Major  
11 Delinquency First Reported).

12 99. The Equifax Dispute Letter further requested that Equifax:

- 13  
14 • Immediately delete this account and the disputed derogatory  
15 information from [Plaintiff’s] credit report.
  - 16 • The discharged debt should be reported with an account balance  
17 of \$0 with a status of “current”.
  - 18 • Further, there should be no post-bankruptcy activity reported on  
19 this account. The date of last activity on this account should pre-  
20 date my bankruptcy filing date, 08/17/2012, since a default on this  
21 account occurred no later than the Bankruptcy filing date.
  - 22 • Any post-bankruptcy derogatory information should be  
23 immediately deleted from [Plaintiff’s] report.
  - 24 • If [Equifax] do[es] not immediately delete this from  
25 [Plaintiff’s] credit report, please include a 100-word statement in  
26 my credit report of all of the disputed information contained in this  
27 letter regarding this account.
- 28

1 100. Upon information and belief, Equifax timely notified CBNA of  
2 Plaintiff's dispute, but CBNA continued reporting derogatory information.

3 101. CBNA and Equifax were required to conduct a reinvestigation into  
4 this specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
5 §1681i.

6 102. On or about August 7, 2015, Plaintiff received notification from  
7 Equifax that CBNA and Equifax received notice of Plaintiff's dispute  
8 pursuant to 15 U.S.C. § 1681i(a)(6), and verified the account does not "report  
9 any late payments."

10 103. Surprisingly, rather than remove all the derogatory information from  
11 Plaintiff's report, CBNA and Equifax simply left derogatory information on  
12 Plaintiff's report. Specifically, CBNA and Equifax reported the following  
13 inaccurate, derogatory information:

- 14 • Account #504994852605XXXX: Post-bankruptcy information  
15 for the following dates: September 2012 (Date Major  
16 Delinquency First Reported).

17  
18 104. CBNA and Equifax, upon receipt of Plaintiff's dispute, failed to  
19 conduct an investigation with respect to the disputed information as required  
20 by 15 U.S.C. § 1681s-2(b)(1)(A).

21 105. CBNA and Equifax failed to review all relevant information provided  
22 by Plaintiff in the dispute to Equifax, as required by and in violation of 15  
23 U.S.C. § 1681s-2(b)(1)(B).

24 106. Due to CBNA and Equifax's failure to investigate, they each further  
25 failed to correct and update Plaintiff's information as required by 15 U.S.C.  
26 § 1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate  
27 information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).  
28

1 107. Plaintiff's continued efforts to correct CBNA and Equifax's erroneous  
2 and negative reporting of the Debt by communicating Plaintiff's dispute  
3 with CBNA and Equifax were fruitless.

4 108. CBNA and Equifax's continued inaccurate and negative reporting of  
5 the Debt in light of its knowledge of the actual error was willful.

6 109. CBNA and Equifax's inaccurate and negative reporting damaged  
7 Plaintiff's creditworthiness.

8 110. By inaccurately reporting account information relating to the Debt  
9 after notice and confirmation of its errors, CBNA and Equifax failed to take  
10 the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D)  
11 and (E).

12 **FIRST CAUSE OF ACTION**

13 **VIOLATION OF THE FAIR CREDIT REPORTING ACT**

14 **15 U.S.C. § 1681 *ET SEQ.* (FCRA)**

15  
16 111. Plaintiff incorporates by reference all of the above paragraphs of this  
17 Complaint as though fully stated herein.

18 112. The foregoing acts and omissions constitute numerous and multiple  
19 willful, reckless or negligent violations of the FCRA, including but not  
20 limited to each and every one of the above-cited provisions of the FCRA, 15  
21 U.S.C § 1681.

22 113. As a result of each and every willful violation of the FCRA, Plaintiff  
23 is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §  
24 1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);  
25 punitive damages as the Court may allow pursuant to 15 U.S.C. §  
26 1681n(a)(2); and reasonable attorney's fees and costs pursuant to 15 U.S.C.  
27 § 1681n(a)(3) from Defendants.  
28

114. As a result of each and every negligent noncompliance of the FCRA, Plaintiff is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681o(a)(2) from Defendants.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests the Court grant Plaintiff the following relief against Defendants:

**FIRST CAUSE OF ACTION**

**VIOLATION OF THE FAIR CREDIT REPORTING ACT**

**15 U.S.C. § 1681 ET SEQ. (FCRA)**

- an award of actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
- award of statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- an award of punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendants for each incident of negligent noncompliance of the FCRA; and
- any other relief the Court may deem just and proper.

**TRIAL BY JURY**

115. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: September 11, 2015

Respectfully submitted,

BY: /s/ RYAN L. MCBRIDE  
 RYAN L. MCBRIDE, ESQ.  
 ATTORNEY FOR PLAINTIFF